

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Monday, March 21, 2005 at Westfield Town Hall. Members present included Patrick Miller, Dave Mueller, Bill Sanders, and Craig Wood. Also present were Tom Higgins and Attorney Brian Zaiger.

Wood made a motion to approve the February 22, 2005 minutes as presented.

Mueller seconded, and the minutes for February 22, 2005 were approved by voice vote.

Election of Officers: Higgins stated he has discussed election of officers with Spoljaric, and she supports whatever decision is made at the meeting.

Sanders moved to appoint Miller as President and Wood as Vice President.

Mueller seconded, and the motion passed unanimously.

Miller reviewed statement of purpose as well as rules and procedures.

### **OLD BUSINESS**

**0410-VS-031:** 20495 Horton Road – Michael and Lydia Brunner are the appellants requesting a Variance of Development Standard from WC 16-04-030-(B) 5 (a), Residential Districts, Agriculture/Single Family 1 (SF -1), Minimum Lot Frontage on Road, a minimum of two hundred fifty feet (250) to 101 feet.

Mr. Matthew Skelton, Bingham McCale, representing the Brunners, spoke about the variance request. Skelton stated the ordinance requires 250 feet of road frontage in the AG-SF1 district; the parcel as it exists today possesses approximately 102.73 feet of road frontage. Skelton also stated that in working with staff, they believe they have identified the best use for this property which is a single family home site. He reviewed the site plan and the proposed layout including elevations.

Miller asked about the septic tank finger system.

Skelton pointed out where the finger system was located and stated it had been reviewed by the Hamilton County Health Department and it has been determined this is a suitable location for a finger system.

Mueller asked about the drainage in the area of the home.

Skelton stated the existing drainage facility is designed appropriately to handle drainage. He also stated Bruner was aware of a drainage issue which has been created by, they believe, some mounding done on the property and that Bruner has a plan for alleviating that drainage issue.

Miller asked for an update on meeting with the surrounding neighbors.

Skelton stated they did meet with the neighbors, Mr. Anderson, Mr. & Mrs. Shirley, and Ms. Bev Krause. He stated they left the meeting with the understanding that if there were items that the homeowners would like to have addressed in the form of conditions or commitments with this proposal, they would communicate those to Skelton, and he has not received anything to date.

Miller asked what the timetable was on beginning construction.

Skelton stated Bruner intends to initiate construction within an eighteen-month period and intends to have the home construction completed within a year of the issuance of the building permit.

Miller asked if there would be an objection to a condition stating the variance would expire on its own terms if construction was not started by Mr. Brunner within eighteen months.

Skelton did not see a problem with this condition.

A Public Hearing was opened at 7:14 p.m.

Mrs. Bev Krause spoke against the variance and reviewed past details.

The Public Hearing closed at 7:20 p.m.

Miller moved to approve 0410-VS-031 with the following conditions:

1. That the petitioner agree and stipulate to rerouting the drainage on the north side to correct the current drainage problems;
2. That there would be no further reduction in road frontage;
3. That the variance would expire by its own terms if construction is not begun by Mr. Brunner within eighteen months;
4. That the existing drive be moved at least twenty feet from the south property line; and
5. That the petitioner complies with all health department requirements and regulations pertaining to the septic system.

Wood seconded, and there was no action taken since the vote was tied 2-2.

Skelton asked for comments from the Board members who voted negatively.

Mueller and Sanders each shared their reasons and concerns for voting negatively.

Skelton responded to the above comments.

This item will be continued to the May, 2005 BZA meeting.

**0501-VU-002:** Northwest corner of 181<sup>st</sup> Street and Market Court (just east of US Highway 31 and 181<sup>st</sup> Street) – Ken Fineis. The Appellant is requesting use variances WC: 16-04-070.2 to allow a list of prohibited land uses to occur on site at the Northwest corner of 181st Street and Market Court (just west of US 31 and 181<sup>st</sup> Street). The parcel is located in the US Highway 31 Overlay Zone and the underlying zoning of General Business (GB).

**0501-VS-002:** Northwest corner of 181<sup>st</sup> Street and Market Court (east of US Highway 31) – Ken Fineis. The Appellant is requesting a standard variance WC: 16-04-070. (7) to allow a reduction in landscaping to occur on site at the Northwest corner of 181<sup>st</sup> Street and Market Court (just west of US 31 and 181<sup>st</sup> Street). The parcel is located in the US Highway 31 Overlay Zone and zoning is General Business (GB).

Skelton, representing Mr. Fineis, requested a continuance to the April, 2005 BZA meeting.

The Board approved the continuance.

### **NEW BUSINESS**

**0502-VS-004:** 17913 County Line Road: Sandra Brown, County Line Pet Lodge. The Appellant is requesting a variance from standards WC: 16.04.165.D.2 to allow delaying the installation of a sidewalk along the front of the property. The site is located on County Line Road one-half (1/2) mile north of State Highway 32 and zoned AG-SF1.

**0502-VS-005:** 17913 County Line Road: Sandra Brown, County Line Pet Lodge. The Appellant is requesting a variance from standards WC: 16.06.060 to reduce the buffer yard plantings from the entire property line to the areas of impacts. The site is on County Line Road one-half (1/2) mile north of S.R. 32 and zoned AG-SF1.

Petitioner requested continuance to the April, 2005 BZA meeting due to the fact that the petitioner did not meet the time constraints on notifications. All notifications are now out; therefore, nothing will hold them up next month.

The Board approved the continuance.

**0503-VS-006:** 2330 East 186<sup>th</sup> Street: Allen D. Downs. The Appellant is requesting a variance from the Accessory Building section of the Westfield Washington Ordinance WC 16.04.100 2 b vii. This would allow the Appellant to build an accessory building in an SF – 2 zoning district that is not subordinate in height, width, length and bulk to the primary structure.

**0503-VS-007:** 2330 East 186<sup>th</sup> Street: Allen D. Downs. The Appellant is requesting a variance from the Accessory Building section of the Westfield Washington Ordinance WC 16.04.100 2 d. This would allow the Appellant to build an accessory building in an SF-2 zoning district that is greater than eighteen feet (18') on the site.

Mr. Allen Downs presented the details of the variance request which is to build a pole barn for storage of hay and farm equipment; however the barn is larger than the house and the height restrictions are taller than the zoning allows.

A Public Hearing was opened at 7:46 on both items.

No one spoke, and the Public Hearing closed at 7:47 p.m.

Sanders moved to approve 0503-VS-006 and 0503-VS-007 per the findings of the staff reports.

Wood asked how much above eighteen feet was the pitch of the roof.

Downs responded twenty-two to twenty-three feet.

Wood seconded, and the motion passed unanimously.

Miller moved to adopt staff's findings as our own.

Mueller seconded, and the motion passed by voice vote.

**0503-VS-013:** 16708 South Park: Headfirst Holding, LLC The Appellant is requesting a variance from the Westfield Washington Ordinance WC 16.07.010.E 4 Lighting Standard. The Appellant is requesting to install lighting that would be seventy feet (70') in height. The site is located in an Industrial Park with Enclosed Industrial zoning.

Higgins announced that Baker & Daniels, who represents the petitioner, requested a continuance via fax this morning. Higgins also stated there were twelve people in attendance this evening who submitted cards to speak in opposition to this item.

Wood moved to deny the request to continue 0503-VS-013.

Sanders seconded, and the motion passed unanimously.

Zaiger determined that Mr. Kevin Buchheit, Director of Community Development, would make the decision on whether the petitioner would have to wait a year or reapply and begin the process over again.

**0503-VS-014:** 16405 Joliet Road: Robert and Christine Paugh. The Appellant is requesting a variance from the Westfield Washington Ordinance WC 16.04.030.2 (a) Accessory Building section. The Appellant is requesting to construct a new accessory building (barn/stable) prior to the erection of the principal building on a site that is zoned AG-SF 1.

**0503-VS-015:** 16405 Joliet Road: Robert and Christine Paugh. The Appellant is requesting a variance from the Westfield Washington Ordinance WC 16.04.100 2 c (2) (ii) Accessory Building section. The Appellant is requesting to construct a new accessory building (barn/stable) that would be constructed in front of the principal structure. The parcel is zoned AG-SF 1.

**0503-VS-016:** 16405 Joliet Road: Robert and Christine Paugh. The Appellant is requesting a variance from the Westfield Washington Ordinance WC 16.04.030 B 1 Residential District section. The Appellant is requesting to construct a new accessory building (barn/stable) that would be constructed within two-hundred feet (200') of a side property line. The nine (9) acre parcel is zoned AG-SF 1.

The petitioner has requested a continuance to the April, 2005 BZA meeting.

The Board approved the continuance of 0503-VS-014, 0503-VS-015, and 0503-VS-016 to the April, 2005 BZA meeting.

The meeting adjourned at 8:25 p.m.

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Chairman

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Secretary